

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILBERTO MELENDEZ,	:	<b>CIVIL NO.: 1:21-CV-00848</b>
	:	
Plaintiff,	:	(Judge Wilson)
	:	
v.	:	(Magistrate Judge Schwab)
	:	
YORK COUNTY PENNSYLVANIA	:	
STATE POLICE, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER**

June 2, 2022

Melendez filed a document responding to defendants’ objections to his requests for documents. *Doc. 62*. Construing this document liberally as a letter filed in accordance with the instructions in the case management order to bring discovery disputes to the court by way of a letter, we ordered the defendants to respond to the letter/objections. *Doc. 63*. Defendants, construing Melendez to be seeking documents relating to his two criminal dockets, responded that the documents that Melendez is seeking are not in their possession, custody, or control and are public documents that are available to Melendez. *Doc. 66*. Melendez replied that only transcripts are publicly available, but he is seeking “the actual discovery, evidence of the case[s].” *Doc. 67* at 1.

Because a party is only required to produce documents that are in that party's "possession, custody, or control," Fed. R. Civ. P. 34 (a)(1), and the defendants assert that the documents that Melendez is seeking are not in their possession, custody, or control, **IT IS ORDERED** that the defendants need not produce the documents requested by Melendez.<sup>1</sup>

**S/Susan E. Schwab**

Susan E. Schwab

United States Magistrate Judge

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<sup>1</sup> Although we will not order the defendants to produce documents, to the extent that defense counsel can access the docket sheets for Melendez's underlying criminal cases, we request that she provide a copy of those docket sheets to Melendez.